

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

COURTNEY SPENCER, individually
and on behalf of all similarly situated,

Plaintiff,

v.

Case No. 1:21-cv-00121-MIS-JMR
MENTAL HEALTH RESOURCES, INC.,

Defendant.

**ORDER INSTRUCTING DEFENDANT TO FILE A SURREPLY AND PROVIDING
LEAVE TO FILE AN AMENDED DECLARATION OF BRAD RIKEI**

THIS MATTER is before the Court on Plaintiff Courtney Spencer's Motion to Strike Declarations of Susan Fackler and Brad Rikel, ECF No. 126, filed August 1, 2024. In the Declaration of Brad Rikel, ECF No 123-3 at 3-5, Mr. Rikel references Client Service Listings and provides that the documents were produced to Plaintiff in Bates range MHR (Spencer) 000420 to 003393. *Id.* ¶ 7. Plaintiff argues in her Reply in Support of Motion to Strike, ECF No. 134, that the Bates numbers Mr. Rikel provided are incorrect. ECF No. 134 at 4.

Based on the Bates numbers of different documents provided by Plaintiff in her Response to Defendant's Motion for Summary Judgment, ECF No. 127, which overlap with the Bates range provided for the Client Service Listings, the Court agrees that the Bates range in Mr. Rikel's Declaration appears to be incorrect. *See, e.g.*, ECF No. 127-29 (with a Bates range of MHR (Spencer) 000562 to 000591 for documents titled Security Events Listing).

IT IS THEREFORE ORDERED that within **FOURTEEN DAYS** of the date of this Order, Defendant shall file a surreply addressing issues raised in Section II(3) of Plaintiff's Reply in Support of Motion to Strike, ECF No. 134, and specifically the accuracy of the Bates number range referenced in Paragraph 7 of Mr. Rikel's Declaration.

IT IS FURTHER ORDERED that if Defendant agrees with Plaintiff that the Bates number range referenced in Paragraph 7 of Mr. Rikel's Declaration is incorrect, Defendant may file an amended declaration from Mr. Rikel with the correct Bates number range within **FOURTEEN DAYS** of the date of this Order.


MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE